UNITED STATES PATENT AND TRADEMARK OFFICE

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10/696,972	10/30/2003	Carsten Sorensen	305537.01	8498

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EXAMINER
STRODER, CARRIE A

ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
10/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/696,972	SORENSEN, CARSTEN
	Examiner	Art Unit	
	CARRIE A. STRODER	3689	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 September 2010</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01 Sep 10</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication

filed on 01 September 2010, wherein:

     Claims 1-20 are currently pending;

     claims 1 and 11 are currently amended; and

     claims 21-35 are cancelled.

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted

on 01 September 2010 is in compliance with the provisions

of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

1.   **The following is a quotation of the first paragraph of**

35 U.S.C. 112:

> The specification shall contain a written description of the
> invention, and of the manner and process of making and using it, in
> such full, clear, concise, and exact terms as to enable any person
> skilled in the art to which it pertains, or with which it is most
> nearly connected, to make and use the same and shall set forth the
> best mode contemplated by the inventor of carrying out his invention.

2.   **Claims 1-10 and 19-20 are rejected** under 35

U.S.C. 112, first paragraph, as failing to comply with the

written description requirement. The claim(s) contains

subject matter which was not described in the specification

in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed

invention. Examiner has reviewed applicant's disclosure
and submits that these added limitations find no support in
the specification as currently written, and is, therefore,
directed to new matter.

  a.   Claim 1: "each entry including identification
  information related to the RFQ with which it is
  associated" is not described in the specification as
  written. Examiner reviewed the specification, and did
  not find the quoted element, particularly
  'identification information'.

  b.   Claim 1: "wherein the identification information
  for each entry in the index is provided to the index
  by the RFQ generator that generated the RFQ with which
  the entry is associated" is not described in the
  specification as written. Examiner reviewed the
  specification, particularly page 20, lines 4-21 and
  did not find the quoted element.

  c.   Claim 1: "by providing information requested in
  an RFQ template associated with the retrieved RFQ" is
  not described in the specification as written.
  Examiner reviewed the specification (particularly the
  passage cited by applicant in the Remarks of 25 May
  2010 from page 24 of the specification) and found that

the specification does not suggest the "associating"

aspect of the quoted element.

d.   Claim 19: "the indexing information being

provided by an RFQ generator at the requester that

generated the RFQ" is not described in the

specification as written. Examiner reviewed the

specification (particularly the passage beginning at

page 20, line 4, as recited by applicant) and did not

find the quoted element.

e.   Claims 2-10 and 20 are rejected as dependent upon

claims 1 and 20.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in

this Office action:

> (a) A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

2.   **Claims 1-6, 8-12, 15, and 19-20 are rejected under 35**

U.S.C. 103(a) as being unpatentable over Hajmiragha (US

6289460), in view of Beran et al. (US 20020055888).

Referring to claim 1:

Hajmiragha teaches

     using the processor at the replier to access an index
by executing processor instructions, wherein the index is
stored in a first data store on a remotely located computer
storage media having one entry for each of a plurality of
RFQs, each entry including identification information
related to one of the RFQs with which it is associated,
each of the RFQs being generated by an RFQ generator at one
of a plurality of requests and stored at one of a plurality
of data stores remotely located form the first data store
(col. 2, line 50 thru col. 3, line 28 & col. 10, lines 16-
19; where "the document manager allows search against the
content of a document as well as the document attributes"
implies each entry includes identification information
related to one of the RFQ's and where "document" is
interpreted to include RFQ's and "…the remote storage
includes multiple distributed remotely located storage
components…");

     using the processor to identify an RFQ for reply, by
selecting an entry in the index, including identifying,
from information in the selected index entry, a second data
store in which the identified RFQ is stored from one of the
plurality remotely located data stores (col. 10, lines 16-

19 & col. 7, lines 11-21; where it is implied that the location of the document is identified); and

using the processor to retrieve the identified RFQ from the second data store (col. 5, lines 1-14; "users allow other interested parties access to read-only archived documents while maintaining security and control").

Hajmiragha discloses a document management system. Hajmiragha does not disclose wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ at one of the plurality of data stores remotely located from the first data store with which the entry is associated and using the processor to generate a reply to the retrieved RFQ by providing information requested in an RFQ template associated with the retrieved RFQ.

However, Beran teaches a similar system that handles documents for requisitioning goods and services. Beran teaches

wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ at one of the plurality of data stores (paragraphs 22 and 26; "The agency

requisitioner module 208 enables the user to produce and
transmit a request for the purchase of particular goods and
services." and "The commerce system 100 allows an agency to
retain its own document numbering system by performing
translations to and from the system's internal indexing
scheme. For example, where an agency's designation for the
first RFQ of the year 1999 may be "RFQ990001," the system
will in real-time translate such entered document
designations into its own index, such as "Q1999000001.");
and

    using the processor at the replier to generate a reply
to the retrieved RFQ by providing information requested in
an RFQ template associated with the retrieved RFQ
(paragraph 60; "the vendor completes a response data page
700. Preferably, this page prompts the vendor to enter a
price for the goods or services requested and any comment
that the vendor desires to include regarding any desired
transaction terms." where the "response data page" is
interpreted as an RFQ template and "The vendor response
data is then stored in an RFX Response Detail record, which
collects all of the vendor responses 704. This new record
is linked with the original RFX record by the original RFX
record reference number.").

It would have been obvious for a person of ordinary
skill in the art (PHOSITA) at the time of invention
to modify the system disclosed in Hajmiragha to
incorporate wherein the identification information for each
entry in the index is provided to the index by the RFQ
generator that generated the RFQ and stored the RFQ at one
of the plurality of data stores remotely located from the
first data store with which the entry is associated and
using the processor to generate a reply to the retrieved
RFQ by providing information requested in an RFQ template
associated with the retrieved RFQ as taught by Beran
because this would provide a manner for directing what the
replies to the RFQ's should include, thus aiding the client
by providing the desired information.

Hajmiragha and Beran disclose the claimed invention
except for the location of the RFQ generator, specifically,
that RFQ generator is resident at one of a plurality of
requestors, and where the RFQ is stored at one of the
plurality of data stores remotely located from the first
data store with which the entry is associated. It would
have been obvious to a person having ordinary skill in the
art at the time of the invention, to have the generator
present at one of the plurality of requestors and to have

the RFQ remotely stored, as there are only a limited number

of choices at which to place the generator and the data

store - either at the requestor, at the requestee, or at a

third party - since it has been held that rearranging parts

of an invention involves only routine skill in the art. *In

re Japikse*, 86 USPQ 70.

    Referring to claim 2:

    Hajmiragha discloses

    filtering entries in the index of RFQ's based on

supplier filter criteria to create a subset of entries that

meet the supplier filter criteria (col. 10, lines 16-22);

and

    selecting the index entry from the subset of entries

(col. 10, lines 16-22; where it is implied that an entry is

selected from the subset).

    Referring to claim 3:

    Hajmiragha discloses after retrieving the RFQ, using

the processor to apply detailed supplier filter criteria to

the retrieved RFQ based on a content of the retrieved RFQ

(col. 10, lines 16-22).

    Referring to claim 4:

    Beran teaches

generating a reply to the retrieved RFQ only if it meets the detailed supplier filter criteria (paragraphs 57 and 60; "The system then filters the set of vendors according to their profiles and the basic NIGP code specified in the RFXs to determine the subset of vendors that will receive a notification regarding a particular RFX 610." and "First, with the receipt of the e-mail notification, the vendor completes a response data page 700. Preferably, this page prompts the vendor to enter a price for the goods or services requested and any comment that the vendor desires to include regarding any desired transaction terms. Once the response page is completed, the vendor can submit the data as its bid.").

Referring to claim 5:

Beran teaches

using the processor to transmit the reply to the requester that generated the retrieved RFQ (paragraph 61; "The buyer has the option of viewing the vendor responses, including vendor line item instructions and comments, scanning the database for the award history corresponding to a particular vendor that responded, and sending a personalized e-mail to a vendor contact.").

Referring to claim 6:

Hajmiragha discloses

generating the reply comprises accessing the content

of the retrieved RFQ (col. 6, lines 37-59; where "review"

implies that the content of the RFQ is accessed);

and generating the reply based on the content of the

RFQ (col. 6, lines 37-59; where "approval" and

"collaboration" imply that the reply is based upon the

contents of the document).

Referring to claim 8:

Hajmiragha discloses accessing the index over a global

computer network (col. 2, lines 51-55; where "internet" is

interpreted as a global computer network).

Referring to claim 9:

Hajmiragha discloses retrieving the identified RFQ

from the data store at the requester over a global computer

network (col. 5, lines 1-14).

Referring to claim 10:

Beran teaches

prior to accessing the index, using the processor to

provide supplier registration information to a registration

component (paragraph 16; "The software system

implementation includes an agency registration module 200,

a vendor registration module 202, a login module 204, an

agency system administrator module 206, an agency
requisitioner module 208, an agency buyer module 210, an
agency approver module 212, a vendor access module 214 and
a batch module 216."); and

using the processor to download a reply engine, the
reply engine accessing the index (paragraph 60; where it is
inherent in using the "response data page" that the
information be downloaded).

Referring to claim 11:

Hajmiragha discloses

using the processor to save the document at a
predetermined location in a data store local to a computer
system at the requester, such that the document is exposed
for downloading to a supplier for generation of a reply
(col. 7, lines 10-21; "The external document is indexed
once and access to the external document is managed by the
document manager 21 using the Access Control List
facilities."); and

using the processor to send indexing information
related to the document to an index remote from the
computer system of the requester when the document is saved
at the data store local to the requestor without prompting
from the remote index, wherein the remote index is

accessible by one or more supplier computer systems,
wherein each index entry identifies a document for which
the requestor thereof solicits a response, and wherein the
indexing information identifies the data store where the
document is stored (col. 7, lines 10-21; "The external
document is indexed…" and "…access speed to documents
externally stored in a repository...").

Hajmiragha discloses a document management system.
Hajmiragha does not disclose where a document is an RFQ
template and entering the job information into a
predetermined RFQ template.

However, Beran teaches a similar system that handles
documents for requisitioning goods and services. Beran
teaches

where the document is an RFQ template (paragraph 27;
"As shown in FIG. 4, a requisitioner first enters request
document data on an HTML header page that has been provided
to the user/requisitioner 400. The software enabling the
entry of request document data is part of the agency
requisitioner module 208. The request document header data
for entry preferably includes a reference number for the
request document and a confirming number" and where the
"HTML header page" is interpreted as a template), and

entering the job information into a predetermined RFQ template (paragraph 27; "As shown in FIG. 4, a requisitioner first enters request document data on an HTML header page that has been provided to the user/requisitioner 400. The software enabling the entry of request document data is part of the agency requisitioner module 208. The request document header data for entry preferably includes a reference number for the request document and a confirming number" and where the "HTML header page" is interpreted as a template).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hajmiragha to incorporate where a document is an RFQ template and entering the job information into a predetermined RFQ template as taught by Beran because this would provide a manner for directing what the replies to the RFQ's should include, thus aiding the client by providing the desired information.

Referring to claim 12:

Beran teaches

prior to entering the job information, providing supplier registration information to a registration

component (paragraph 16; "The software system
implementation includes an agency registration module 200,
a vendor registration module 202, a login module 204, an
agency system administrator module 206, an agency
requisitioner module 208, an agency buyer module 210, an
agency approver module 212, a vendor access module 214 and
a batch module 216.").

downloading an RFQ generation engine, the RFQ
generation engine sending the indexing information
(paragraphs 22-26; where it is inherent in using the "HTML
header page" that the information be downloaded).

Referring to claim 15:

Beran teaches receiving a reply to the RFQ template
from a supplier (paragraph 60; "…the vendor can submit the
data as its bid").

Referring to claim 19:

Hajmiragha discloses

using the processor to receive indexing information
for each document from the requester without prompting from
the requester, the indexing information being indicative of
the document stored at a requester data store local to a
computer system at the requester (col. 7, lines 10-21 and
Fig. 1; "An external document is a document not residing

with the document manager 21." and where it is understood
that when creating a document, a user may choose to save it
at the client computer); and

using the processor to enter an entry in the index by
executing instructions with the processor in a data store
on a computer storage media remote from the requester
computer system for each document based on the index
information, the entry being indicative of a category of a
corresponding document on the requester data store, the
index being exposed to access by suppliers (col. 7, lines
10-21 and col. 6, lines 9-19 and Fig. 1; "An external
document is a document not residing with the document
manager 21. The external document is indexed once and
access to the external document is managed by the document
manager 21 using the Assess Control List facilities." and
where "content indexing" is interpreted to include an entry
indicative of a category of a corresponding RFQ).

Hajmiragha discloses a document management system.
Hajmiragha does not disclose where the document is an RFQ.

However, Beran teaches a similar system that handles
documents for requisitioning goods and services. Beran
teaches where the document is an RFQ (paragraph 22).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Hajmiragha to incorporate where a document is an RFQ template and entering the job information into a predetermined RFQ template as taught by Beran because this would provide a manner for directing what the replies to the RFQ's should include, thus aiding the client by providing the desired information.

Hajmiragha and Beran disclose the claimed invention except for the location of the RFQ generator, specifically, that the RFQ generator is at the requestor. It would have been obvious to a person having ordinary skill in the art at the time of the invention, to have the generator present at the requestor, as there are only a limited number of choices at which to place the generator - either at the requestor, at the requestee, or at a third party - since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Referring to claim 20:

Hajmiragha teaches for each entry in the index, including filter criteria accessible by the suppliers to identify RFQs for reply (col. 10, lines 16-22).

Further, "to identify RFQs for reply" is a statement of intended use. Statements of intended use do not limit the scope of a claim or claim limitation. See MPEP 2106.

3. **Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajmiragha (US 6289460) in view of Han et al. (US 20020052807).**

Referring to claim 13:

Hajmiragha and Beran do not teach; however, Han teaches

entering requester filter criteria indicative of suppliers authorized to reply to the RFQ template (paragraph 94; "participant defines which suppliers are to receive the new RFQ packet").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Beran as taught by Han because this would provide a manner in which to filter suppliers so that replies are generated only by suppliers who meet the standards of the buyer, thereby reducing wasted time and/or effort of the buyers and suppliers.

Referring to claims 14:

Hajmiragha and Beran do not teach; however, Han
teaches sending requester filter criteria indicative of
suppliers authorized to reply to the RFQ template
(paragraph 94; "participant defines which suppliers are to
receive the new RFQ packet").

4.   **Claims 7 and 16-18 are rejected under 35 U.S.C.**
103(a) as being unpatentable over Hajmiragha (US 6289460)
in view of Beran et al. (US 20020055888), and further in
view of Heimermann et al. (US 7110976).

Referring to claim 7:

Hajmiragha and Beran do not teach; however Heimermann
teaches automatically generating the reply based on the
content of the RFQ (paragraphs 181-182).

It would have been obvious for a person of ordinary
skill in the art (PHOSITA) at the time of invention to
modify the teachings of Hajmiragha and Beran as taught by
Heimermann because this provides a more cost effective
supplier sourcing system.

Referring to claims 16:

Hajmiragha and Beran do not teach; however Heimermann
teaches entering award criteria indicative of criteria

considered in awarding a job corresponding to the RFQ to a supplier (paragraph 183).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Hajmiragha and Beran as taught by Heimermann because this provides a more cost effective supplier sourcing system.

Referring to claim 17:

Hajmiragha and Beran do not teach; however Heimermann teaches

evaluating the received reply based on the award criteria (paragraph 183); and

suggesting a winning supplier based on the evaluation of the award criteria (paragraph 183).

Referring to claim 18:

Hajmiragha and Beran do not teach; however Heimermann teaches weighting the award criteria according to a predetermined weight (paragraph 183; the system primarily makes awards based on price, but also "factors in" other considerations, which necessarily requires assigning a predetermined weight to the considerations).

Response to Amendment

1.   The amendment filed 05 May 2009 is objected to under

35 U.S.C. 132(a) because it introduces new matter into the

disclosure.   35 U.S.C. 132(a) states that no amendment

shall introduce new matter into the disclosure of the

invention.   The added material which is not supported by

the original disclosure is as follows:

      a.   Claim 1: "each entry including identification
      information related to the RFQ with which it is
      associated"

      b.   Claim 1: "wherein the identification information
      for each entry in the index is provided to the index
      by the RFQ generator that generated the RFQ with which
      the entry is associated"

      c.   Claim 1: "by providing information requested in
      an RFQ template associated with the retrieved RFQ"

      d.   Claim 19: "the indexing information being
      provided by an RFQ generator at the requester that
      generated the RFQ"

      Applicant is required to cancel the new matter in the

reply to this Office Action.

Response to Arguments

Applicant's arguments filed 01 September 2010 have been fully considered but they are not persuasive.

Claim Rejections under 35 USC 112

Applicant argues that the specification discloses the recited features and cites several passages from the specification in an attempt to persuade Examiner. Examiner respectfully disagrees with applicant. The cited claim language just is not present.

Claim Rejections under 35 USC 103

In regards to claim 1, applicant argues that the prior art references do not disclose that the the RFQ generator is resident at one of a plurality of requestors, and where the RFQ is stored at one of the plurality of data stores remotely located from the first data store with which the entry is associated. As is discussed in the rejection, supra, this is obvious (see above for full explanation).

In regards to claim 11, applicant argues that Hajmiragha does not teach that a computer system at a requester generates and stores an RFQ in a local data store and sends indexing information for the RFQ to a remote index. Examiner respectfully disagrees. Examiner emphasizes that the claim language states that the index is

remote from the requestor. Fig. 1 of Hajmiragha shows that
the Document Manager 21 is remote from the client 22.
Hajmiragha states that an external document is indexed and
managed by the document manager 21. Since the document is
an 'external' document, it is understood that the document
is saved remotely to the document manager, or local to the
requestor (in this case, the client computer 22). By
temporarily copying the document to the document manager,
the processor of the requestor is sending indexing
information related to the document.

        In regards to claim 19, applicant argues that the
prior art does not teach that the RFQ generator is at the
requestor. As is discussed in the rejection, supra, this
is obvious (see above for full explanation).

                          Conclusion

        Any inquiry concerning this communication or earlier
communications from the examiner should be directed to
CARRIE A. STRODER whose telephone number is (571)270-7119.
The examiner can normally be reached on Monday - Thursday
8:00 a.m. - 5:00 p.m. ET.

        If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Jan Mooneyham can
be reached on (571)272-6805. The fax phone number for the

organization where this application or proceeding is

assigned is 571-273-8300.

      Information regarding the status of an application may

be obtained from the Patent Application Information

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/CARRIE A. STRODER/
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689